



W.P(MD)No.22243 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22243 of 2023 and
WMP(MD) No.18516 of 2023

Mohammed Mujahid Hussain Deen

... Petitioner

Vs

- 1.The Inspector General of Registration,
Door No. 100,
Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai 600 028.
- 2.The Deputy Inspector General of Registration,
Madurai.
- 3.The District Registrar (Administration)
Ramanathapuram.
- 4.The Sub Registrar,
Velipattinam,
Ramanathapuram District.
- 5.The Sub Registrar,
Keelakarai,
Ramanathapuram District.



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6. Abdullah Sahib

7. Ajmal Khan

8. Ragumathu Ameena

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to conclude the enquiry on the basis of petition submitted by the petitioner within a time frame and consequentially, forbearing the respondents 4 and 5 from registering any document of alienation in respect of the subject properties in Survey no. 124/2 measuring 2 acres 17 cents, Survey No. 98/1 measuring 82 cents, Survey no. 99/1 measuring 5 acres 21 cents and Survey No. 126/3 measuring 2 acres 95 cents in Periyapattinam Village, Ramanathapuram Taluk and District executed by the respondents 6 to 8.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.M.Sarangan

Additional Government Pleader

ORDER

The petitioner said to have submitted an application before the District Registrar for an enquiry that there was a violation in registering a document by the fourth respondent that he is not having jurisdiction to register had also filed this writ petition for a Mandamus to direct the respondent to conclude the enquiry in an



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expeditious manner that the private respondents are intending to alienate the subject property based on the documents, which they have created with the help of the fourth respondent, in violation of Section 28(b) of the Registration Act 1908.

2.The learned counsel appearing for the petitioner submits that there is a clear violation of the provision under Section 28(b) of the Registration Act, 1908 and therefore, the District Registrar, Ramanathapuram has entertained the complaint of this petitioner and issued a notice to the private respondents. However, the proceedings is still pending from the Month of July 2022. The learned counsel further submits that, in the meantime, if any further documents are created by the respondents, then the petitioner would be prejudiced.

3.The learned counsel further submits that the request for an interim direction before the District Registrar not to register any documents pending this enquiry has not been considered by the



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District Registrar on the ground that there is no relevant provision to that effect. The petitioner has also filed a partition suit in O.S.No. 166 of 2023

4. Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the respondents 1 to 5 submits that notice has already been issued to the respondents 6 to 8 based on the petitioner's complaint. However, they have not filed their response so far. Depending upon their response, final decision would be taken on the petitioner's application.

5.This Court considered the rival submissions made. Considering the relief sought for in this writ petition, notice to the respondents 6 to 8 is dispensed with.

6.The complaint of this petitioner has been entertained by the District Registrar, Ramanathapuram and notice was issued to the private respondents herein. The enquiry is pending from the



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month of July 2022 without any progress for want of response by the private respondents Therefore, this writ petition is disposed of with a direction to the District Registrar, Ramanathapuram/the third respondent herein to conclude the proceedings within a period of eight weeks from the date of receipt of a copy of this order. The District Registrar shall also issue necessary instructions to the respondents 4 & 5 not to register any documents pending the enquiry. No costs. Consequently, connected Miscellaneous Petition is closed.

12.09.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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